

REMARKS/ARGUMENTS

Favorable consideration of this application in light of the following discussion is respectfully requested.

Claims 106-118, 122-132, 136-144, 148-182, 184, 210, and 233-244 are presently active, Claims 1-105, 119-121, 133-135, 145-147, 183, 185-209, and 211-232 having been previously canceled without prejudice, and Claims 106 and 108 having been amended. No new matter has been added.

In the outstanding Office Action, Claims 106-118, 122-125, 127-132, 136, 137, 139-144, 148, 149, 151-159, 161-165, 167-173, 179-182, 184, 233-238, 241 and 242 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ohtsuki et al. (WO99/46835, hereinafter "Ohtsuki"); Claims 151-153, 158, 179, 239 and 240 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hagiwara (US 2001/0048083); Claims 106, 119, 120 and 123 were rejected under 35 U.S.C. § 102(b) as being anticipated by Owa (US Patent No. 5,838,709); and Claims 106, 124-127, 136-139, 148-151, 159-162, 166, 174-178, 210, 243 and 244 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nishi (US 2003/0081192).

Applicants initially wish to note that Certification of Translations and Certified English Translations of the foreign priority documents (Japanese Patent Application No. 11-257969, Japanese Patent Application No. 11-258089, Japanese Patent Application No. 11-259615, Japanese Patent Application No. 2000-153320 and Japanese Patent Application No. 2000-190826) are filed herewith.

The present application claims priorities of the following five Japanese Patent Applications:

- (1) Japanese Patent Application No. 11-257969 (filed September 10, 1999)
- (2) Japanese Patent Application No. 11-258089 (filed September 10, 1999)
- (3) Japanese Patent Application No. 11-259615 (filed September 13, 1999)

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- (4) Japanese Patent Application No. 2000-153320 (filed May 24, 2000)
- (5) Japanese Patent Application No. 2000-190826 (filed June 26, 2000)

Claims 106-118, 122, 123, 127-132, 139-144 and 233-238 are based on the disclosure of the above (1) application; Claims 161-165, 167-173, 241 and 242 are based on the disclosure of the above (2) application; and Claims 151-158, 179-182 and 184 are based on the disclosure of the above (3) application.

Regarding the rejection of Claims 106-118, 122-125, 127-132, 136, 137, 139-144, 148, 149, 151-159, 161-165, 167-173, 179-182, 184, 233-238, 241 and 242 under 35 U.S.C. § 102(b) as being anticipated by Ohtsuki, Applicants note that the international publication date of Ohtsuki is September 16, 1999, and the U.S. filing date of the corresponding U.S. application (now U.S. Patent No. 6,590,698) is March 30, 2000. However, as noted above, Claims 106-118, 122, 123, 127-132, 139-144 and 233-238 have the right of priority to Japanese Patent Application No. 11-257969, filed on September 10, 1999. Claims 151-158, 179-182 and 184 have the right of priority to Japanese Patent Application No. 11-259615, filed on September 13, 1999. Claims 161-165, 167-173, 241 and 242 have the right of priority to Japanese Patent Application No. 11-258089, filed on September 10, 1999.

Further, Ohtsuki fails to teach or suggest “a wavelength calibration control unit which performs wavelength calibration based on temperature dependence data of detection reference wavelength of said beam monitor mechanism” recited in Claims 124, 136, and 148. Claims 125, 137 and 149 distinguish over Ohtsuki for essentially the same reasons cited above relative to Claims 124, 136 and 148. In addition, Claim 159 depends from Claim 151. Ohtsuki fails to teach or suggest “a first control unit which performs wavelength calibration based on temperature dependence data of detection reference wavelength of said beam monitor mechanism” recited in Claim 151.

Thus, Applicants respectfully request withdrawal of the rejection of Claims 106-118, 122-125, 127-132, 136, 137, 139-144, 148, 149, 151-159, 161-165, 167-173, 179-182, 184, 233-238, 241 and 242 under 35 U.S.C. § 102(b) in view of Ohtsuki.

Regarding the rejection of Claims 151-153, 158, 179, 239 and 240 under 35 U.S.C. § 102(e) in view of Hagiwara, Applicants note that the U.S. filing date of Hagiwara is March 14, 2001, whereas the filing dates of all the five of Applicants' priority documents are earlier than March 14, 2001. Therefore, Applicants respectfully request withdrawal of the rejections of Claims 151-153, 158, 179, 239 and 240 under 35 U.S.C. § 102(e) in view of Hagiwara.

Regarding the rejection of Claims 106, 119, 120 and 123 under 35 U.S.C. § 102(b) in view of Owa, Applicants note that Claims 119 and 120 have been previously canceled without prejudice. Further, Owa fails to teach or suggest "a light amplifying portion optically connected with said light generating portion, which includes at least one stage of a fiber amplifier to amplify said single wavelength laser light" and "a wavelength conversion portion which generates one of an eighth-harmonic wave and a tenth-harmonic wave of said single wavelength laser light having said wavelength of around $1.5\mu\text{m}$ from said fiber group" recited in Claim 106. Additionally, Claim 123 depends from Claim 106. Therefore, Applicants respectfully request withdrawal of the rejections of Claims 106, 119, 120 and 123 under 35 U.S.C. § 102(b) in view of Owa.

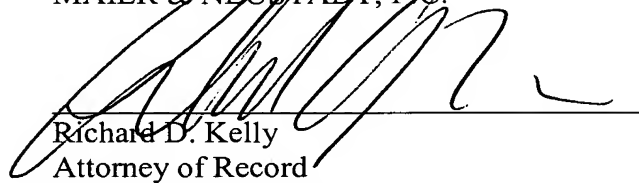
Regarding the rejection of Claims 106, 124-127, 136-139, 148-151, 159-162, 166, 174-178, 210, 243 and 244 under 35 U.S.C. § 102(e) in view of Nishi, Applicants note that the U.S. filing date of Nishi is September 13, 2000, whereas the filing dates of all the five of Applicants' priority documents are earlier than September 13, 2000. Therefore, Applicants respectfully request withdrawal of the rejections of Claims 106, 124-127, 136-139, 148-151, 159-162, 166, 174-178, 210, 243 and 244 under 35 U.S.C. § 102(e) in view of Nishi.

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Accordingly, Applicants submit that Claims 106-118, 122-132, 136-144, 148-182 and 184-244 are in condition for allowance, and an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Richard D. Kelly', is written over a horizontal line.

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